

10/587644

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Dated: July 27, 2006

Signature: Susan M. Dillon  
(Susan Dillon)

AP20 Rec'd PCT/PTO 27 JUL 2006

Docket No.: 61093(71699)  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
John P. Toscano, III et al.

Application No.: National Phase of  
PCT/US05/03183

Confirmation No.: N/A

Filed: Concurrently Herewith

Art Unit: N/A

For: NITROXYL PROGENITOR COMPOUNDS  
AND METHODS OF USE

Examiner: Not Yet Assigned

**INFORMATION DISCLOSURE STATEMENT (IDS)**

MS PCT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Pursuant to 37 CFR 1.56, 1.97 and 1.98, the attention of the Patent and Trademark Office is hereby directed to the documents listed on the attached PTO/SB/08. It is respectfully requested that the information be expressly considered during the prosecution of this application, and that the documents be made of record therein and appear among the "Documents Cited" on any patent to issue therefrom.

This Information Disclosure Statement accompanies the new patent application submitted herewith.

In accordance with 37 CFR 1.98(a)(2)(ii), Applicant has not submitted copies of U.S. patents and U.S. patent applications. Applicant submits herewith copies of foreign patents and non-patent literature in accordance with 37 CFR 1.98(a)(2).

In accordance with 37 CFR 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information as defined in 37 CFR 1.56(a) exists. In accordance with 37 CFR

10/587644

Application No.: National Phase of PCT/US05/03183 2

Docket No.: 61093(71699)

AP20 Rec'd PCT/US 27 JUL 2006

1.97(h), the filing of this Information Disclosure Statement shall not be construed to be an admission that any patent, publication or other information referred to therein is "prior art" for this invention unless specifically designated as such.

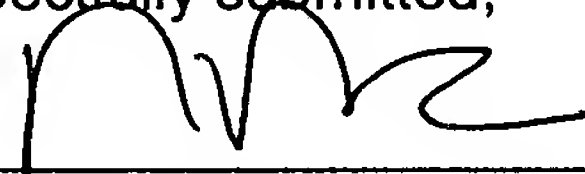
It is submitted that the Information Disclosure Statement is in compliance with 37 CFR 1.98 and the Examiner is respectfully requested to consider the listed documents.

The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 04-1105, under Order No. 61093(71699).

Dated: July 27, 2006

Respectfully submitted,

By



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Registration No.: 33,860

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14-20 Rec'd PGT/PTO 27 JUL 2006

PTO/SB/08a/b (07-05)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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Substitute for form 1449A/B/PTO  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  <i>(Use as many sheets as necessary)</i>				<b>Complete if Known</b>	
				Application Number	
				Filing Date	
				First Named Inventor	
				Art Unit	
				Examiner Name	
Sheet	1	of	1	Attorney Docket Number	61093(71699)

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code <sup>2</sup> (if known)			
	AA	6,936,639 B2	08-30-2005	Wink et al.	
	AB	5,039,705	08-13-1991	Keefer et al.	
	AC	4,954,526	09-04-1990	Keefer	
	AD	2005/0009789 A1	01-13-2005	Wink et al.	
	AE	2004/0158048 A1	08-12-2004	Ruane et al.	
	AF	2004/0038947	02-26-2004	Wink et al.	

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
		Country Code <sup>3</sup> -Number <sup>4</sup> -Kind Code <sup>5</sup> (if known)				

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NON PATENT LITERATURE DOCUMENTS			
Examiner Initials	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
	CA	Bivalacqua, J. of Cardiovascular Pharm. 38(1):120-129 (2001).	
	CB	Xiaoping, Tetrahedron Letters, 42:2625-2629 (2001).	
	CC	Aloka, J. Am. Chem. Soc., 123:5465-5472 (2001).	

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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Examiner Signature		Date Considered	
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Application No. (if known): Not Yet Assigned

Attorney Docket No.: 61093(71699)

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IDS (Citation) by Applicant (9 References) (1 page)